

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRIAN B. CORRIETTE,

Appellant,

-against-

SCHON ENTERPRISES, INC,

Appellee.

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MEMORANDUM AND ORDER

Case No. 18-CV-6456

Appearances:

For the Appellant:

AUDREY A. THOMAS

245-07 Francis Lewis Boulevard

Rosedale, New York 11422

For the Appellee:

SCOTT A. BRODY

Brody, O'Connor, O'Connor, Esqs.

535 Eighth Avenue, Suite 1401

New York, New York 10018

BLOCK, Senior District Judge:

Brian B. Corriette appealed the bankruptcy court's order granting Schon Enterprises, Inc., relief from the automatic stay. However, he subsequently moved to voluntarily dismiss his bankruptcy petition. The motion was granted and Corriette obviously did not appeal the dismissal order.

The automatic stay lasts only while the bankruptcy case is pending. *See* 11 U.S.C. § 362(c)(2); *In re Walerstein*, 2008 WL 795327, at *2 (E.D.N.Y. 2008) ("Pursuant to Section 362, any automatic stay would have terminated upon dismissal of the case."). Therefore, Corriette's appeal seeking to reimpose the stay is moot.

See In re Income Prop. Builders, Inc., 699 F.2d 693, 964 (9th Cir. 1982) (“Once the bankruptcy was dismissed, a bankruptcy court no longer had power to order the stay or to award damages allegedly attributable to its vacation. A remand by us to the bankruptcy court would therefore be useless.”). The appeal is dismissed.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
March 18, 2020